



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,838	07/26/2001	Janani Janakiraman	AUS920010497US1	7170
7590 Robert H. Frantz P.O. Box 23324 Oklahoma City, OK 73123-2334			EXAMINER VAN BRAMER, JOHN W	
			ART UNIT 3622	PAPER NUMBER
			MAIL DATE 11/28/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/915,838	<b>Applicant(s)</b> JANAKIRAMAN ET AL.	
	<b>Examiner</b> John Van Bramer	<b>Art Unit</b> 3622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5, 7-13, 15, 17-23, 25 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7-13, 15, 17-23, 25 and 27-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on September 24, 2007 has been entered.

***Response to Amendment***

2. The amendment filed on September 24, 2007 cancelled claims 4, 6, 14, 16, 24, and 26. No new claims were added and Claims 1-3, 5, 7, 9, 11-13, 15, 17-22, 25, and 27-29 were amended. Thus the currently pending claims remain Claims 1-3, 5, 7-13, 15, 17-23, 25, and 27-29.

***Claim Rejections - 35 USC § 112***

3. The amendment filed on September 24, 2007 has corrected the second paragraph of 35 U.S.C. 112 deficiencies identified in the Office Actions dated May 18, 2006 and November 3, 2006. Therefore, the rejection is hereby withdrawn.

***Claim Rejections - 35 USC § 101***

4. The amendment filed on September 24, 2007 has corrected the 35 U.S.C. 101 deficiencies identified in the Office Actions dated May 18, 2006 and November 3, 2006. Therefore, the rejection is hereby withdrawn.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 5, 7-13, 15, 17-23, 25, and 27-29 rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kramer et al. (U.S. Patent Number: 6,327,574).

Claim 1: Kramer discloses a method for dynamically generating targeted electronic advertisements comprising the steps of:

- a. Providing a first data object repository containing a plurality of human model data objects indexed to target audience demographic image characteristics. (Fig 3b, Fig 18; Col 6, lines 22-46; Col 6, line 60 to Col 7, line 44; Col 8, lines 15-40; Col 11, lines 55 – 67; Col 14, lines 11 – 34 and Col 18, lines 38 – 42) (In the cited sections, Kramer teaches that numerous data object repositories

exist since illuminated content is provided from multiple servers. Kramer also discloses that some of these object repositories contain human model data objects, as evidenced in Fig 18 from the picture of the child on the image provided next to the description of "The Solutions (Animorphs (Series #22))."

- b. Providing a second data object repository containing a plurality of advertisement data objects indexed to target audience demographic interest characteristics. (Fig 3b, Fig 18; Col 6, lines 22-46; Col 6, line 60 to Col 7, line 44; Col 8, lines 15-40; Col 11, lines 55 – 67; Col 14, lines 11 – 34 and Col 18, lines 38 – 42) (In the cited sections, Kramer teaches that numerous data object repositories exist since illuminated content is provided from multiple servers and that advertisements and other illuminated content is targeted based upon demographic interest of the user.)
- c. Selecting a human model image data object from said first data object repository matching a demographic image characteristic of an instant user. (Fig 3b, Fig 4; Fig 18, Col 6, line 23 to Col 7, line 44; Col 8, lines 24-40; Col 18, lines 38 – 42; and Col 33, lines 8-26) (Kramer teaches that the illuminated content is provided by numerous data object repositories and matched based upon demographic characteristics of the user. As evidenced by Fig 3b, Fig 4 and Fig 18, data object repositories contain human models, corporate logos, corporate names, coupons, coupons that include the current user's name. Col 6, lines 23-47 describe data repositories may include video presentations or commercials inserted into television broadcasts.)

- d. Selecting an advertisement data object from said second data object repository matching a demographic interest characteristic of said instant user. (Fig 3b, Fig 4; Fig 18, Col 6, line 23 to Col 7, line 44; Col 8, lines 24-40; Col 18, lines 38 – 42; and Col 33, lines 8-26) (Kramer teaches that the illuminated content is provided by numerous data object repositories and matched based upon demographic characteristics of the user. As evidenced by Fig 3b, Fig 4 and Fig 18, data object repositories contain human models, corporate logos, corporate names, coupons, coupons that include the current user's name. Col 6, lines 23-47 describe data repositories may include video presentations or commercials inserted into television broadcasts.)
- e. Producing a composite electronic advertisement object by combining said selected data objects to render a single electronic advertisement data object. (Fig 3b, Fig 18; Col 6, line 23 to Col 7, line 44; and Col 18, lines 38 – 42) (Fig 18 is a single electronic advertisement that contains various choices regarding products available. It is an advertisement for the "Top Top 20 Bestselling Children's Books")
- d. Displaying said composite electronic advertisement object to a to said instant user. (Fig 3b; Fig 18; Col 6, line 23 to Col 7, line 44; and Col 18, lines 38 – 42)

Should the applicant disagree that the human teenage child model depicted in Fig 18 of the Kramer reference, is not a human model as claimed the applicants admission in reminds paragraph [0013] of the applicants specification states that

"It is well known in the advertising industry that consumers respond to advertisements which feature human models and spokespersons who are similar to themselves, in age, gender, ethnic background, economic strata, etc.". Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to use images containing human models that are similar to the user. The rationale for doing so is to provide advertisements that appeal to the user.

Claim 2: Kramer discloses the method as set forth in claim 1 wherein said step of selecting further comprises pseudo-randomly selecting and replacing one of said data selected according to demographics. (Col 3, lines 10 – 33; Col 21, lines 20 – 31; and Col 21, lines 51 – 61) (Pseudo-randomness is an inherent quality of targeted marketing because demographics and psychographics are unique for each individual)

Claim 3: Kramer discloses the method as set forth in claim 1 wherein said human model image data objects comprise depictions selected from the group of a still graphic image repository, a video clip repository, and an audio clip repository. (Fig 18, Col 6, lines 22 – 46)

Claim 5: Kramer discloses the method as set forth in claim 1 wherein said step of providing an advertising data object repository is selected from the group

consisting of providing a still graphic image repository, providing a video clip repository, providing a web page repository, and providing an audio clip repository. (Col 6, lines 22 – 46)

Claim 7: Kramer discloses the method as set forth in claim 1 further comprising selecting data objects based upon historical advertising effectiveness trend data. (Col 14, lines 11 – 34)

Claim 8: Kramer discloses the method as set forth in claim 1 wherein said step of producing a composite advertisement object is selected from the group consisting of overlaying one still graphic image data object over another, merging a video clip with an audio clip, and merging a plurality of video clips. (Col 6, lines 22 – 46)

Claim 9: Kramer discloses the method as set forth in claim 1 wherein said step of displaying said composite advertisement object to an instant user further comprises transmitting said composite advertisement object over a computer network to a remote display device. (Col 8, lines 41 – 54)

Claim 10: Kramer discloses the method as set forth in claim 7 further comprising a step of updating said historical advertising effectiveness trend data according to subsequent instant user selection of options related to said composite



advertisement object. (Col 14, lines 35 – 51)

Claim 11: Kramer discloses an article of manufacture comprising:

- a. A computer readable medium suitable for encoding software. (Col 5, lines 1-24)
- b. One or more software programs encoded by said medium and configured to cause a processor to perform the steps of (Col 5, lines 1-24 and Col 11 line 54-67):
  - i. Providing a first data object repository containing a plurality of human model image data objects indexed to target audience demographic image characteristics. (Fig 3b, Fig 18; Col 6, lines 22-46; Col 6, line 60 to Col 7, line 44; Col 8, lines 15-40; Col 11, lines 55 – 67; Col 14, lines 11 – 34 and Col 18, lines 38 – 42) (In the cited sections, Kramer teaches that numerous data object repositories exist since illuminated content is provided from multiple servers. Kramer also discloses that some of these object repositories contain human model data objects, as evidenced in Fig 18 from the picture of the child on the image provided next to the description of "The Solutions (Animorphs (Series #22)).")
  - ii. Providing a second data object repository containing a plurality of advertisement data objects indexed to target audience demographic interest characteristics. (Fig 3b, Fig 18; Col 6, lines 22-46; Col 6, line 60 to Col 7, line 44; Col 8, lines 15-40; Col 11, lines 55 – 67; Col 14, lines 11 –

34 and Col 18, lines 38 – 42) (In the cited sections, Kramer teaches that numerous data object repositories exist since illuminated content is provided from multiple servers and that advertisements and other illuminated content is targeted based upon demographic interest of the user.)

iii. Selecting a human model image data object from said first data object repository matching a demographic image characteristic of an instant user. (Fig 3b, Fig 4; Fig 18, Col 6, line 23 to Col 7, line 44; Col 8, lines 24-40; Col 18, lines 38 – 42; and Col 33, lines 8-26) (Kramer teaches that the illuminated content is provided by numerous data object repositories and matched based upon demographic characteristics of the user. As evidenced by Fig 3b, Fig 4 and Fig 18, data object repositories contain human models, corporate logos, corporate names, coupons, coupons that include the current user's name. Col 6, lines 23-47 describe data repositories may include video presentations or commercials inserted into television broadcasts.)

iv. Selecting an advertisement data object from said second data object repository matching a demographic interest characteristic of said instant user. (Fig 3b, Fig 4; Fig 18, Col 6, line 23 to Col 7, line 44; Col 8, lines 24-40; Col 18, lines 38 – 42; and Col 33, lines 8-26) (Kramer teaches that the illuminated content is provided by numerous data object repositories and matched based upon demographic characteristics of the user. As

evidenced by Fig 3b, Fig 4 and Fig 18, data object repositories contain human models, corporate logos, corporate names, coupons, coupons that include the current user's name.. Col 6, lines 23-47 describe data repositories may include video presentations or commercials inserted into television broadcasts.)

- v. Producing a composite electronic advertisement object by combining said selected data objects to render a single electronic advertisement data object. (Fig 3b, Fig 18; Col 6, line 23 to Col 7, line 44; and Col 18, lines 38 – 42) (Fig 18 is a single electronic advertisement that contains various choices regarding products available. It is an advertisement for the "Top Top 20 Bestselling Children's Books")
- vi. Displaying said composite electronic advertisement object to said instant user. (Fig 3b; Fig 18; Col 6, line 23 to Col 7, line 44; and Col 18, lines 38 – 42)

Should the applicant disagree that the human teenage child model depicted in Fig 18 of the Kramer reference, is not a human model as claimed the applicants admission in reminds paragraph [0013] of the applicants specification states that "It is well known in the advertising industry that consumers respond to advertisements which feature human models and spokespersons who are similar to themselves, in age, gender, ethnic background, economic strata, etc.". Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to use images

containing human models that are similar to the user. The rationale for doing so is to provide advertisements that appeal to the user.

Claim 12: Kramer discloses the article as set forth in claim 11 wherein said software is further configured to perform pseudo-randomly selecting and replacing one of said data selected according to demographics. (Col 3, lines 10 – 33; Col 21, lines 20 – 31; and Col 21, lines 51 – 61) (Pseudo-randomness is an inherent quality of targeted marketing because demographics and psychographics are unique for each individual)

Claim 13: Kramer discloses the article as set forth in claim 11 wherein said a human model repository comprises objects selected from the group consisting of a graphic image, a video clip, and an audio clip. (Col 6, lines 22 – 46)

Claim 15: Kramer discloses the article as set forth in claim 11 wherein said advertising data object repository comprises repository objects selected from the group consisting of a still graphic image, a video clip, a web page, and an audio clip. (Col 6, lines 22 – 46)

Claim 17: Kramer discloses the article as set forth in claim 11 wherein said software data objects is further configured to select data objects based upon historical advertising effectiveness trend data. (Col 14, lines 11 – 34)

Claim 18: Kramer discloses the article as set forth in claim 11 wherein said software that produces a composite advertisement object is adapted to produce a composite advertisement selected from the group consisting of a still graphic image overlaid on another still graphic image, a video clip merged with an audio clip, and a plurality of video clips merged together. (Col 6, lines 22 – 46)

Claim 19: Kramer discloses the article as set forth in claim 11 wherein said software that displays said composite advertisement object to an instant user is configured to transmit said composite advertisement object over a computer network to a remote display. (Col 8, lines 41 – 54)

Claim 20: Kramer discloses the article as set forth in claim 17 further comprising software which updates said historical advertising effectiveness trend data according to subsequent instant user selection of options related to said composite advertisement object. (Col 14, lines 35 – 51)

Claim 21: Kramer discloses a system for dynamically generating targeted electronic advertisements comprising:

- a. a first data object repository portion of a computer system containing a plurality of human model image data objects indexed to target audience demographic image characteristics. (Fig 3b, Fig 18; Col 6, lines 22-46; Col 6,

line 60 to Col 7, line 44; Col 8, lines 15-40; Col 11, lines 55 – 67; Col 14, lines 11 – 34 and Col 18, lines 38 – 42) (In the cited sections, Kramer teaches that numerous data object repositories exist since illuminated content is provided from multiple servers. Kramer also discloses that some of these object repositories contain human model data objects, as evidenced in Fig 18 from the picture of the child on the image provided next to the description of "The Solutions (Animorphs (Series #22)).")

- b. A second data object repository containing a plurality of advertisement data objects indexed to target audience demographic interest characteristics. (Fig 3b, Fig 18; Col 6, lines 22-46; Col 6, line 60 to Col 7, line 44; Col 8, lines 15-40; Col 11, lines 55 – 67; Col 14, lines 11 – 34 and Col 18, lines 38 – 42) (In the cited sections, Kramer teaches that numerous data object repositories exist since illuminated content is provided from multiple servers and that advertisements and other illuminated content is targeted based upon demographic interest of the user.)
- c. A data object selector portion of a computer system which selects a human model image data object from said first data object repository matching a demographic image characteristic of an instant user and which selects an advertisement data object from said second data object repository matching a demographic interest characteristic of said instant user. (Fig 3b, Fig 4; Fig 18, Col 6, line 23 to Col 7, line 44; Col 8, lines 24-40; Col 18, lines 38 – 42; and Col 33, lines 8-26) (Kramer teaches that the illuminated content is provided

by numerous data object repositories and matched based upon demographic characteristics of the user. As evidenced by Fig 3b, Fig 4 and Fig 18, data object repositories contain human models, corporate logos, corporate names, coupons, coupons that include the current user's name. Col 6, lines 23-47 describe data repositories may include video presentations or commercials inserted into television broadcasts.)

- d. A composite advertisement object renderer portion of a computer system which combines said selected data objects to render a single electronic advertisement data object. (Fig 3b, Fig 18; Col 6, line 23 to Col 7, line 44; and Col 18, lines 38 – 42) (Fig 18 is a single electronic advertisement that contains various choices regarding products available. It is an advertisement for the "Top Top 20 Bestselling Children's Books")
- e. A display portion of a computer which shows said rendered composite electronic advertisement to said instant user. (Fig 3b; Fig 18; Col 6, line 23 to Col 7, line 44; and Col 18, lines 38 – 42)

Should the applicant disagree that the human teenage child model depicted in Fig 18 of the Kramer reference, is not a human model as claimed the applicants admission in reminds paragraph [0013] of the applicants specification states that "It is well known in the advertising industry that consumers respond to advertisements which feature human models and spokespersons who are similar to themselves, in age, gender, ethnic background, economic strata, etc.".

Therefore, it would be obvious to one of ordinary skill in the art at the time the

invention was made to use images containing human models that are similar to the user. The rational for doing so is to provide advertisements that appeal to the user.

Claim 22: Kramer discloses the system as set forth in claim 21 wherein said software for selecting further comprises pseudo-randomly selecting a data object and to replace one of said demographically selected objects with said pseudo-randomly selected data object. (Col 3, lines 10 – 33; Col 21, lines 20 – 31; and Col 21, lines 51 – 61) (Pseudo-randomness is an inherent quality of targeted marketing because demographics and psychographics are unique for each individual)

Claim 23: Kramer discloses the system as set forth in claim 22 wherein said human model repository includes a data object selected from the group consisting of still graphic images, video clips, and audio clips. (Col 6, lines 22 – 46)

Claim 25: Kramer discloses the system as set forth in claim 21 wherein said advertising data object repository includes a data object selected from the group consisting of still graphic images, video clips, web pages, and audio clips. (Col 6, lines 22 – 46)



Claim 27: Kramer discloses the system as set forth in claim 21 wherein said data objects selector is configured to select data objects based upon historical advertising effectiveness trend data. (Col 14, lines 11 – 34)

Claim 28: Kramer discloses the system as set forth in claim 21 wherein said composite advertisement object renderer is configured to produce a composite advertisement object selected from the group consisting of two overlaid still graphic images, a merged video clip and audio clip, and a merged plurality of video clips. (Col 6, lines 22 – 46)

Claim 29: Kramer discloses the system as set forth in claim 21 further comprising a historical data updater which updates said historical advertising effectiveness trend data according to subsequent instant user selection of options related to said composite advertisement object. (Col 14, lines 35 – 51)

### ***Response to Arguments***

7. Applicant's arguments filed September 24, 2007 have been fully considered but they are not persuasive. The arguments directed towards the amended claims have been addressed in the 35 USC 102 rejections above.

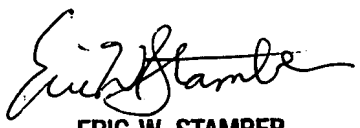
**Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
jvb

  
ERIC W. STAMBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600